

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

CR- 08-00004-001

June 17, 2008  
10:15 a.m.

**UNITED STATES OF AMERICA -v- HUANG, TIAN YUN**

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding  
SANAE SHMULL, Court Reporter  
K. LYNN LEMIEUX, Courtroom Deputy  
BEVERLY MC CALLUM, Assistant U. S. Attorney  
STEVE PIXLEY, Counsel for Defendant  
HUANG, TIAN YUN, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Steve Pixley. Government by Beverly McCallum, Assistant U.S. Attorney. Also present was U.S. Probation Officer, Margarita Wonenberg.

Dennis Tse was present as interpreter/translator of the Mandarin language.

Court adopted the presentence investigation report, and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government moved for the defendant to be sentenced to a term of six months at the low end of the guidelines.

Attorney Pixley moved that the Court sentence the defendant to a terms of six months at the low end of the guidelines.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **HUANG, TIAN YUN** is hereby sentenced to **6 months imprisonment** under the custody of the Bureau of Prisons with credit for time served (including time served in local custody if so approved by the Bureau of Prisons). Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of **three years** which will include the following conditions:

1. That the defendant shall be delivered to a duly authorized Immigration Official for deportation proceedings. If immediate deportation fails to occur, and the defendant is released, he shall immediately report to the U.S. Probation Office for supervised release;

2. That the defendant shall not commit another federal, state or local crime;
3. That the defendant shall not unlawfully possess a controlled substance;
4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the U.S. Probation Officer;
5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon;
6. That the defendant shall submit to the collection of a DNA sample at the direction of the United States Probation Office;
7. That the defendant shall comply with the standard conditions of supervised release as set forth at 18 U.S. C. §3583;
8. That the defendant shall participate in a treatment program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs;
9. That the defendant shall seek and maintain gainful employment;
10. That the defendant shall perform 200 hours of community service under the direction of the United States Probation Office.

Pursuant to §5E1.2(f) of the guidelines, all fines are waived since it has been determined that the defendant does not have the ability to pay.

It is further ordered that the defendant pay to the United States a special assessment fee of \$300 to be paid immediately after sentencing.

Defendant was advised that he had previously waived his right to appeal the sentence in this case but that if he or his attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant was advised of his right to an attorney for appeal and that the Court will appoint an attorney if he could not afford one.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. 10:35 a.m.

/s/ K. Lynn Lemieux, Courtroom Deputy